

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEWART MANAGO,

Plaintiff,

v.

KELLY SANTORO, et al.,

Defendants.

No. 1:21-cv-01616-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 16)

Plaintiff Stewart Manago is a state prisoner proceeding *pro se* in this action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 14, 2022, plaintiff filed a motion for a protective order. (Doc. No. 14.) On February 17, 2022, the assigned magistrate judge construed plaintiff's motion as a motion for preliminary injunctive relief and issued findings and recommendations recommending that plaintiff's motion be denied. (Doc. No. 16.) The assigned magistrate judge recommended that the motion be denied because plaintiff has failed to file a second amended complaint after the magistrate judge had found that his first amended complaint failed to state any cognizable claims. (*Id.*) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3–4.) Plaintiff filed objections on March 3, 2022. (Doc. No. 19.) Therein, plaintiff requests that the court

1 consider the allegations contained in his first amended complaint. (*Id.*) However, for the reasons
2 already correctly stated in the magistrate judge's screening order (Doc. No. 15), plaintiff has
3 failed to state any cognizable claim for relief in his first amended complaint. Therefore,
4 plaintiff's objections are not persuasive and provide no basis upon which to reject the pending
5 findings and recommendations.

6 Accordingly,

- 7 1. The findings and recommendations issued on February 17, 2022 (Doc. No. 16) are
8 adopted;
- 9 2. Plaintiff's motion for a protective order (Doc. No. 14) is denied; and
- 10 3. This case is referred back to the assigned magistrate judge for further proceedings.

11 IT IS SO ORDERED.

12 Dated: **April 13, 2022**

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15 UNITED STATES DISTRICT JUDGE
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